

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**UNOPPOSED MOTION TO FILE
REPLY TO OPPOSITION TO
ORACLE'S MOTION TO
CORRECT OFCCP'S
MISLEADING
COMMUNICATIONS TO
ORACLE'S EMPLOYEES**

RECEIVED

JUN 04 2019

**Office of Administrative Law Judges
San Francisco, Ca**

**ORACLE'S UNOPPOSED MOTION TO FILE REPLY ISO MOTION TO CORRECT OFCCP'S
MISLEADING COMMUNICATIONS TO EMPLOYEES**

CASE NO. 2017-OFC-00006

Pursuant to the rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 and in accordance with 41 C.F.R. § 60-30.8 and Section III.A.2 of the Court's February 6, 2019 Prehearing Order, Defendant Oracle America, Inc. hereby moves for leave to file a reply to OFCCP's Opposition to Oracle's Motion to Correct OFCCP's Misleading Communications to Oracle's Employees, to be due Friday, June 7, 2019. OFCCP does not oppose Oracle's request. *See* Ex. A (June 4, 2019 email correspondence).

Respectfully submitted,

June 4, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER



ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

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Attorneys for Defendant

ORACLE AMERICA, INC.

EXHIBIT A

From: [Fuad, David](#)
To: [Garcia, Norman - SOL](#); [Bremer, Laura - SOL](#); [Miller, Jeremiah - SOL](#); [Song, Charles C - SOL](#); [Daquiz, Abigail - SOL](#); [Pilotin, Marc A - SOL](#)
Cc: [Connell, Erin M.](#); [Siniscalco, Gary R.](#); [Parker, Warrington](#); [James, Jessica R. L.](#); [Grundy, Kayla Delgado](#); [Ghaffari, Hannah M.](#); [Kaddah, Jacqueline D.](#)
Subject: RE: Oracle America Inc - Case No. 2017-OFC-00006
Date: Tuesday, June 4, 2019 12:47:24 PM
Attachments: [image001.png](#)
[image003.png](#)

Norm, that is fine. Oracle will not oppose OFCCP's anticipated motion for a reply in support of its motion for a protective order/ leave to amend the complaint.

And understood re non-opposition vs. consent, thanks for the clarification.

Best,
David

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Tuesday, June 4, 2019 12:06 PM
To: Fuad, David <dfuad@orrick.com>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Pilotin, Marc A - SOL <Pilotin.Marc.A@DOL.GOV>
Cc: Connell, Erin M. <econnell@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Parker, Warrington <wparker@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Ghaffari, Hannah M. <hannah.ghaffari@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: Oracle America Inc - Case No. 2017-OFC-00006

David,

We likely will want to file a reply to Oracle's opposition to our motion for a protective order or in the alternative leave to amend the complaint. Thus, we would not oppose Oracle's motion for a reply, if it does not oppose our anticipated motion for a reply.

Lastly, to be clear, if agreement is reached, we are not opposing Oracle's motion for a reply instead of "consenting" to Oracle's Motion for a reply.

Please advise.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415)

625-7772

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

From: Fuad, David <dfuad@orrick.com>

Sent: Tuesday, June 4, 2019 11:28 AM

To: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Pilotin, Marc A - SOL <Pilotin.Marc.A@DOL.GOV>

Cc: Connell, Erin M. <econnell@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Parker, Warrington <wparker@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Ghaffari, Hannah M. <hannah.ghaffari@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Subject: RE: Oracle America Inc - Case No. 2017-OFC-00006

All,

Following up on this, we plan to file today our motion requesting leave to file a reply, noting it is unopposed unless we hear otherwise by 1:30 p.m. today. Thank you.

Best,
David

From: Fuad, David

Sent: Monday, June 3, 2019 12:16 PM

To: 'bremer.laura@dol.gov' <bremer.laura@dol.gov>; 'miller.jeremiah@dol.gov' <miller.jeremiah@dol.gov>; 'garcia.norman@dol.gov' <garcia.norman@dol.gov>; 'song.charles.c@dol.gov' <song.charles.c@dol.gov>; 'daquiz.abigail@dol.gov' <daquiz.abigail@dol.gov>; 'pilotin.marc.a@dol.gov' <pilotin.marc.a@dol.gov>

Cc: Connell, Erin M. <econnell@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Parker, Warrington <wparker@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Ghaffari, Hannah M. <hannah.ghaffari@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Subject: RE: Oracle America Inc - Case No. 2017-OFC-00006

Counsel:

Oracle intends to seek leave to file a reply in response to OFCCP's Opposition to Oracle's Motion to Correct OFCCP's Misleading Communications. Please let us know whether OFCCP consents to Oracle's request. Thank you.

Best,



David P. Fuad | Partner
ORRICK, HERRINGTON & SUTCLIFFE LLP
777 South Figueroa Street, Suite 3200
Los Angeles, California 90017
(213) 612-2369 | dfuad@orrick.com

From: LaceyOha, Alicia D - SOL <LaceyOha.Alicia.D@DOL.gov>

Sent: Friday, May 31, 2019 2:23 PM

To: Connell, Erin M. <econnell@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Cc: Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>

Subject: RE: Oracle America Inc - Case No. 2017-OFC-00006

Good Afternoon,

Please find attached the following document in the matter of ORACLE AMERICA, INC., – Case No. 2017-OFC-00006

Thank You,

Alicia D. Lacey-Oha

Legal Assistant
United States Department of Labor
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103
Phone (415) 625-7763
Fax (415) 625-7772

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PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On June 4, 2019, I served the interested parties in this action with the following document(s):

UNOPPOSED MOTION TO FILE REPLY TO OPPOSITION TO ORACLE'S MOTION TO CORRECT OFCCP's MISLEADING COMMUNICATIONS TO ORACLE'S EMPLOYEES

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Laura Bremer (Bremer.Laura@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
Norman E. Garcia (Garcia.Norman@DOL.GOV)
Charles C. Song (Song.Charles.C@dol.gov)
Abigail Daquiz (Daquiz.Abigail@dol.gov)
Marc A. Pilotin (pilotin.marc.a@dol.gov)

U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769 / Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 4, 2019, at San Francisco, California.



Jacqueline D. Kaddah